

07 APR 2005

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Morrison & Foerster LLP
1650 Tysons Boulevard
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In re Application of	:	
Forbes et al.	:	
Application No.: 10/508,966	:	DECISION ON
PCT No.: PCT/GB03/01327	:	
Int. Filing Date: 20 March 2003	:	PETITION UNDER
Priority Date: 27 March 2002	:	
Attorney Docket No.: 424662008900	:	37 CFR 1.47(a)
For: Refrigerating Apparatus	:	

This is a decision on applicant's "Renewed Petition Under 37 CFR 1.47(a)" filed on 15 March 2005.

DISCUSSION

In a decision mailed on 03 February 2005, the petition filed on 13 December 2004 was dismissed without prejudice because

Regarding requirement (4), the declaration of the inventors accompanying the petition names an inventive entity, consisting of Andrew Forbes, Mark Philip Taylor, and Dr. Stephen Parker, which differs from the inventive entity named in the published international application to the extent that the published international application names "Parker, Steve, C., J." Review of the documentary evidence accompanying the petition suggests that the instant declaration does not properly name Dr. Parker, since said evidence clearly indicates that Dr. Parker's given name is "Steve" rather than "Stephen." A third declaration, signed on Dr. Parker's behalf, has also been filed, but the signature appearing on that declaration does not appear to be that of either joint inventor. As such, the declarations do not appear to be signed on behalf of Dr. Parker by the other joint inventors, since some person other than the other joint inventors has apparently signed on Dr. Parker's behalf. Counsel is required to submit an executed oath or declaration which properly names the inventors, and which is executed by the signing inventors on behalf of themselves and Dr. Parker. Presently, for the reasons described above, requirement (4) has not been satisfied.

The instant renewed petition is accompanied by a new declaration of the inventors which properly names the inventive entity and which is signed by joint inventors Andrew Forbes and Mark Philip Taylor on behalf of themselves and non-signing joint inventor Steve C.J. Parker. As such, petitioner has now satisfied requirement (4). Accordingly, it would be appropriate to grant the requested relief on the basis of the present record.

DECISION

The petition under 37 CFR 1.47 (a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 March 2005**.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



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In re Application of
Forbes et al.
Application No. 10/508,966
PCT No.: PCT/GB03/01327
Int. Filing Date: 20 March 2003
Priority Date: 27 March 2002
For: Refrigerating Apparatus

Dear Dr. Parker:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Dr. Steve C.J. Parker) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/GB03/01327 and was filed on March 20, 2003 in the names of Andrew Forbes, Steve C.J. Parker and Mark Philip Taylor for the invention entitled REFRIGERATING APPARATUS. The national stage application number is 10/508,966 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of March 15, 2005.